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PATENT  
ATTORNEY DOCKET NO.: 47040.0007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Lynne DOUCETTE-STAMM et al. ) Confirmation No.: 3315  
Application No.: 10/724,972 ) Group Art Unit: 1645  
Filed: December 1, 2003 ) Examiner: Padmavathi Baskar, Ph.D.  
For: NUCLEIC ACID AND AMINO ACID )  
SEQUENCES RELATING TO )  
*STAPHYLOCOCCUS EPIDERMIDIS* )  
FOR DIAGNOSTICS AND )  
AND THERAPEUTICS )

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window, MAIL STOP AMENDMENT  
Randolph Building  
Alexandria, VA 22314

Sir:

**RESPONSE TRANSMITTAL FORM**

1. Transmitted herewith is a Response to the Office Action dated September 20, 2006, responding to the Office Action of June 21, 2006.
2. Additional papers enclosed: NONE

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$.

If an additional extension of time is required, please consider this a Petition therefor.

- An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	11	minus	34	2	x \$50 each =	+ .00
Independent Claims (37 C.F.R. §1.16(b))	3	minus	8	1	x \$200 each =	+ .00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						.00

6. Fee Payment

- Enclosed is Check No. \_\_\_\_\_ in the amount of \$.
- The Commissioner is hereby authorized to charge Deposit Account No. 50-0573 in the amount of \_\_\_\_\_.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: September 20, 2006

By:

Mercedes K. Meyer, Ph.D., Esq.  
Reg. No. 44,939

Customer No. 055694

DRINKER, BIDDLE & REATH LLP

1500 K Street, N.W. Suite 1100

Washington, D.C. 20005-1209

Tel: (202) 842-8800

Fax: (202) 842-8465



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UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Lynn Doucette-Stamm et al.

Confirmation No. 3315

**Application No.:** 10/724,972

Group Art Unit: 1645

**Filed:** December 1, 2003

Office: Padmavathi Baskar, Ph.D.

**Title:** NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO  
*STAPHYLOCOCCUS EPIDERMIDIS* FOR DIAGNOSTICS AND THERAPEUTICS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND REPLY UNDER 37 C.F.R. § 1.116**

Sir:

In response to the Office Action mailed June 21, 2006, the Office is respectfully requested to consider and enter the following amendments and remarks in the above-identified application. The response is being timely filed on or before the due date of September 21, 2006.

**Amendments** to the claims begin on page 2.

**Remarks** begin on page 4.